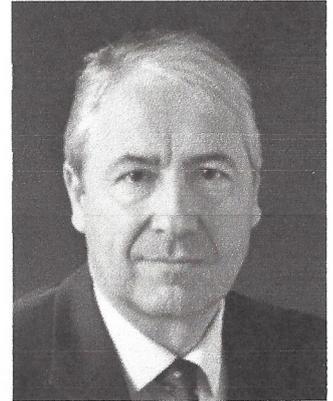


Stephen Bate C. Arb, arbitrator, accredited mediator and barrister



Introduction

Stephen Bate is a British citizen, Chartered Arbitrator, barrister and accredited mediator, with a UK domestic and international commercial arbitration practice carried on through ARBDB, international arbitration chambers in London: www.arbdb.com. His practice background is as a barrister at the English Bar, with over 25 years' experience in a range of civil and commercial matters, specialising in media & entertainment law, latterly at 5RB barristers' chambers until 2017.

Stephen is a member of the Presidential Panel of arbitrators at the Chartered Institute of Arbitrators and is listed with the Dubai International Arbitration Centre as a qualified arbitrator. He is also a member of the panel of arbitrators maintained by Sport Resolutions and an arbitrator on the panel of arbitrators maintained by Phonographic Performance Ltd., the licensing body for recorded music. He is also an expert appointed by Nominet to decide .co.uk and .uk domain name ownership disputes. He also sits as a legal assessor, advising lay tribunals on legal matters in fitness to practise hearings in the healthcare arena.

Stephen was accredited as a mediator in the UK by the Centre for Effective Dispute Resolution (CEDR) in 2002 and has since mediated approximately 200 cases with values up to £250M in a very wide range of commercial disputes, with a settlement rate of about 70%. His mediation practice is carried out through CEDR Chambers: www.cedr.com. Stephen is also an IMI-accredited mediator. The Legal 500 2020/2021 recommends Stephen as a leading mediator. The directory has noted that his '*grasp of detail and his ability to mediate pleasantly and persuasively between parties who could not be further apart are the main contributory factors to the success of his mediations.*' He mediates regularly using video technology.

Stephen is also the author of '*Resolving Business Disputes / How to get better outcomes from commercial conflicts*' (Spiramus Press), June 2020.

Arbitral and other appointments¹

These include -

- Dispute over performance of a shareholders' agreement of a telecommunications company (pre-emption rights), arbitration under UNCITRAL Rules (co-arbitrator).

- Dispute over exercise of pre-emption rights over further shares in the same company; arbitration under UNCITRAL Rules (co-arbitrator).
- Sole arbitrator in contract dispute concerning the supply of education services to the Middle East.
- Sole arbitrator in LLP partnership dispute concerning accountancy business; claims brought by partnership against one partner and cross-claims.
- Sole arbitrator in disputes concerning partnership retirement and enforceability of restrictive covenants against a leaving partner.
- Sole arbitrator in dispute between medical partnership and ex-partner over restrictive covenant.
- Sole arbitrator in dispute concerning contracts for the provision of facilities for the UK National Health Service.
- Sole arbitrator in dispute involving claims relating to the sale and re-purchase of fleet motor vehicles.
- Sole arbitrator in patent licence dispute.
- Sole arbitrator in dispute concerning the supply of advertising services.
- Sole arbitrator in contractual loss of profits dispute in the fashion industry.
- Sole arbitrator in sale of goods dispute.
- Sole arbitrator in contract dispute in the soft drinks industry.
- Appointed Chairman, English Football League Arbitration Panel, in a dispute between two clubs concerning the unauthorised disclosure of a transfer fee.
- Chairman of arbitrators appointed by Sport Resolutions for the English Football Association in disputes between player and player's agent under Rule K procedures.
- Chairman of Football League's Disciplinary Commission (FDC) in arbitration under EFL's Rules and Regulations concerning financial disclosures by former Chairman of Watford FC on behalf of the club, decision in public domain - *EFL v Raffaele Riva*.
- FDC Chairman in arbitration between football clubs under EFL's Rules and Regulations over the poaching of a management team, decision in public domain - *Colchester FC v Norwich FC*.
- FDC Chairman in dispute between player and club arising from termination of player's contract.
- FDC Chairman in dispute between (i) club and youth player over player's registration and (ii) clubs and player over liability to pay 'signing on' fee.
- 15 ABTA documents-only arbitrations in holiday and travel cases.
- 2007-2016, legal member of the Licensing Committee of UK horse racing's regulator (the British Horseracing Authority), chairing numerous hearings under 'fit and proper person' jurisdiction of the regulator.
- Legal Assessor, sitting with and advising Fitness to Practise Panels for the General Dental Council and Health and Care Professions Tribunal Service in misconduct, performance and health cases; previous experience (2010-2018) sitting as Legal Assessor in GMC/MPTS (doctors' fitness to practise) and racing corruption cases.
- Approximately 70 documents-only adjudications for CISAS under UK Communications Act 2003.
- 70 expert determinations for Nominet in registration disputes over .co.uk internet domain name registrations.

Areas of arbitration work

Fields of work covered include commercial contracts, ICT (information, communications and technology), intellectual property, leisure and travel, manufacturing, media & entertainment, partnership/shareholder, property, pharmaceutical, healthcare, defamation, data protection, confidentiality, sport and telecommunications.

The above include/further areas are: agency, sale of goods, supply of services, distribution agreements, licensing agreements in various fields, such as telecommunications, media and entertainment and intellectual property (e.g. patent and trade mark) disputes, copyright infringement; franchise agreements, gas supply contracts, computer contracts, employment contracts, restrictive covenant disputes, insurance claims, guarantee claims, contract disputes in many other different fields, e.g. sale of companies, warranty claims under sale and purchase agreements, joint venture contracts, agency agreements, contracts for advertising services; landlord & tenant, professional negligence (solicitors), competition claims, claims for breach of statutory duty, sponsorship and other sports-related agreements; breach of confidence, privacy and data protection.

Mediation

Stephen uses critical thinking skills to enable parties and advisers to make the best decisions in the mediation process. In a non-confrontational manner, he is prepared to challenge each side constructively, drawing out essential issues, enabling parties to better understand rival viewpoints and to make/act on an informed risk assessment.

He is passionate about getting the best deal terms for parties and helping each party decide whether or not to settle the dispute. With his professional background in dispute resolution over many years, Stephen understands the landscape, pitfalls and consequences of legal disputes for businesses and individuals. Much of this thinking was distilled into his book on disputes (see above), which looks in detail at litigation outcome forecasting and decision-making in settlement.

Mediation appointments

The following are illustrations of mediations Stephen has conducted in the following areas: commercial, company (including partnership), distribution, agency and joint venture, information, employment, communications & technology (ICT), intellectual property, employment, real estate and property, reputation management, sport and trusts.

Commercial

- Claims in the oil and gas sector for damages for supply of faulty drilling equipment (ICC appointment).
- Competition / contract claims arising out of termination of vehicle distribution agreement.
- Claims relating to car assembly contracts.

- Claims concerning the sale and purchase of electronic equipment.
- Dispute concerning the importation and sale of timber from Holland.
- Dispute about sale of bearing parts over price, delivery and defects between UK and German companies.
- Disputes over leasing agreements involving allegations of fraud.
- Dispute concerning design of gas extraction plant, project management and related contractual disputes.
- Contract dispute between recruitment company and services contractor over invoices for financial services placements.
- Claim by fund manager for monies due under a contract relating to investment cells.
- Contract dispute between merchant and merchant acquirer (card services) over renewal terms, merchant alleging breach and loss of profits from third party contract.
- Contractual disputes between a healthcare insurer and an advertising agency about online sales.
- Contract dispute over design, manufacture and supply of air pollution sensors.
- Disputes over performance of settlement agreement; breach of confidentiality provisions.

Company and partnership

- Disputes between shareholders in food supply companies involving minority shareholder's petition and associated High Court litigation.
- Shareholders' and partners' dispute in the pension field relating to payment arrangements for exploitation of goodwill and infrastructure of established business.
- Disputes between shareholders in food supply companies involving minority shareholder's petition and associated English High Court litigation.
- Dispute between shareholders of media services company.
- Shareholder dispute involving retail business.
- Minority shareholder claims concerning computer software company.
- Minority shareholders dispute between members of a pop band on break-up of the group.
- Dispute between partners over allocation of costs in land development projects.
- Dispute between shareholders of media services company.
- Contractual / partnership dispute concerning services provided to healthcare trusts by company in private sector; dispute included whether there was a partnership at all.
- Family dispute over investment property transactions and enforcement of consent order.

- Contractual dispute between two individuals relating to running costs of a co-owned game reserve in Africa.

Distribution, agency and joint venture

- Claim based on alleged settlement agreement compromising disputes about a UK distribution business involving industrial bearings supplied from outside the UK.
- Claims relating to pre-contract representations, performance and termination of a distribution agreement.
- Disputes between joint venturers over liability to repay bank borrowings.
- Claims arising out of distribution agreement and ancillary licensing arrangements for manufacture and sale of proprietary products.
- Joint venture dispute worth concerning the provision of hardware and software for Internet applications.
- Dispute between principal and agent over procuring of contracts.
- Contract and copyright dispute arising out of termination of joint venture for training courses.
- Contractual disputes over a joint venture agreement between providers of healthcare products and services.

Information, communications & technology

- Dispute between insurance provider and internet sales company tasked to increase online business.
- Joint venture dispute over provision of hardware and software for internet applications.
- Software distribution contract and copyright infringement claims with clients from each side attending mediation by video link from Palo Alto, USA.
- Claim concerning purchase and sale of computer games.
- Damages claim by satellite broadcaster against companies distributing the broadcast service. The claims related to delays in the launch of the service and which party was at fault.
- Dispute between sellers and buyer of a pre-broadcast packaging and transmission business over payment of deferred part of the purchase price.
- Dispute concerning principal / agent relationship in the distribution of telecommunications apparatus and services.
- Contract dispute over the provision of a paperless medicines prescription, administration and supply software system.
- Contract dispute over design and build of corporate web-site.
- Dispute between investment management company and computer software company over the supply and installation of new software for processing the

company's business data, including customer relationship management and other systems.

- Dispute over termination of a contract for the installation and license of a system for the maintenance and use of integrated patient records.
- Dispute between a government department and provider of marketing and communication services under long-term contract for printing and e-distribution of information.
- Contract dispute between merchant and merchant acquirer (card services) over renewal terms, merchant alleging breach and loss of profits from third party contract.
- Contract dispute over adequacy of software for medicines prescription and supply.

Intellectual property

- Computer software (distributorship agreement and IPRs) claim where the lay clients were in Palo Alto, California and much of the mediation was conducted via video link from lawyers' London offices.
- Patent claims in the aircraft sector involving world-wide litigation.
- Claims for royalties due on sales of computer games.
- Dispute between copyright collection society, its licensee and associated parties.
- Computer software business; shareholder dispute over company's IPR assets.
- Long-running dispute between copyright collecting society and former licensees.
- Dispute between company and its managing director over ownership of IPRs.
- Passing off and copyright infringement dispute over car air fresheners.
- Contract and copyright dispute arising out of termination of joint venture.
- Dispute over costs between film producer and commissioning producer resulting from contractual procedures for prior approval of budgets.
- Accounting claims involving world famous pop band and associated companies.
- Dispute between sellers and buyer of a pre-broadcast packaging and transmission business over payment of the deferred part of the purchase price.
- Multimillion-pound licensing and accounting dispute over distribution and sale of computer games.
- Dispute between advertising agency and clients over quality of adverts produced.
- Claims under contractual arrangements between UK and US video production companies.

Real estate, property

- Dispute between parties to property joint venture over appropriation of investment costs.

- Dispute over plots of land sold to private investors as to the land's development potential; withholding of monies payable under settlement agreement for alleged breach of confidentiality clause.
- Dispute over contractual arrangements for commercial development scheme involving planning issues.
- Joint venture dispute over development projects.
- Claims by multi-party investors against land development companies.
- Claims between freeholders and leaseholders of UK heritage sites.
- Dispute between freeholders and owners of long lease of commercial premises.
- Claims by lessee of commercial premises for loss of profits, cross-claims for forfeiture.
- Possession claim by owners of stadium against long-term commercial tenant involving three sets of proceedings.
- Commercial landlord and tenant dispute concerning breach of insuring covenant.

Reputation management

- Disputes over performance of settlement agreement; claims for breach of confidentiality provisions.
- Disputes over alleged breach of a confidentiality agreement between joint venture parties.
- Slander and assault claims in high profile case involving sports regulator where discreet settlement essential.
- Defamation claims brought by company against trade rival over allegations of insolvency.
- Libel dispute over social-media postings arising from performance issues under a building contract.

Sport

- Dispute between purchasers and sellers of shares in a football club.
- Contractual image rights dispute over performance of an endorsement contract.
- Dispute over elections and governance of sports regulator.
- Slander and assault claims in high profile case involving sports regulator where discreet settlement essential.
- Dispute between promoter and celebrities over contracts for appearances on a tour of shows.
- Contract dispute over losses claimed in respect of contaminated horsefeed.

Trusts

- Dispute over family trusts concerning investment property transactions.

- Dispute between US executors / English administrator and testator's daughter over ownership of leasehold property, which had been purchased by the testator.
- Contract dispute over management of portfolio of properties owned by a family trust and managed by a company owned and controlled by beneficiaries of the trust.
- Dispute over interests under a family trust.
- Family disputes involving powers of attorney and Court of Protection issues.
- Disputes between beneficiaries under a trust and residuary beneficiaries under a will.
- Dispute over governance of charity.
- Family dispute over management and sale of restaurant business.

Feedback – mediation parties and their lawyers

- *“As I said at the conclusion of the mediation, I am extremely grateful to you for achieving the almost impossible in settling this dispute ... it was a pleasure working with you.”*
- *“Thank you for your adept handling of the mediation yesterday. It was a pleasure working with you and I hope to do so again before long.”*
- *“After the mediation, I spoke with Counsel instructed on behalf of [the construction company] and both of us were impressed by Mr Bate’s performance and thought of him a very good mediator.”*
- *“Success was to a large extent due to the skill, expertise and persistence of Stephen. I would not hesitate to recommend Stephen as a mediator in future, nor would I hesitate in using him again.”*
- *“We all appreciated the fair but firm way you handled the mediation. It’s saved us all a lot of time and expense.”*
- *“We thought Stephen Bate was excellent ... his approach was very measured, sensible and helpful.”*
- *“He had a good understanding of the facts and grasped the issues quickly.”*
- *“He managed the day extremely well and I will be recommending him for other mediations.”*
- *“Well prepared and used the time very effectively during the day.”*
- *“Stephen kept both parties focused and we arrived at a deal which both parties appeared very happy with.”*
- *“From the moment we kicked off it was apparent he knew the documents.....and because he was so well prepared he asked some very good questions which brought up issues that hadn’t been discussed before.”*

- *“He showed a real interest in the case and in helping the parties to achieve resolution, and demonstrated an understanding of the commercial as well as legal issues involved.”*
- *“He kept the parties on point and drew them back to the issues in order to avoid time being wasted on irrelevant matters.”*
- *“He offered pragmatic and commercial solutions and was of valuable assistance when we were drafting the settlement agreement.”*
- *“I felt he dealt very carefully and sympathetically with my client.”*
- *“He was very active in the process and really made my client look at his case and made comments which were designed to get the parties closer together.”*
- *“I was very impressed by Stephen’s patience, grip of the subject matter and tenaciousness.”*
- *“Thanks for looking after us so well on Friday. And many thanks too for your assistance in getting this to a deal. A very interesting dispute and one that we [were] happy to be get rid of.”*

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